

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 EA-09 IO-11 ISO-00 STR-04 FEA-01 AGR-10

CEA-01 CIAE-00 COME-00 DODE-00 FRB-01 H-02 INR-07

INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-02 AID-05

CIEP-02 SS-15 ITC-01 TRSE-00 USIA-15 PRS-01 SP-02

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APPROVED BY EB/OT/STA:WCLARK,JR.

STR:AGARLAND

EA/J:DSMITH

EA/ROC:HAENGLEBRECHT

EA/K:PMAYHEW

----- 003006

R 041457Z MAR 76

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

AMEMBASSY SEOUL

AMEMBASSY TAIPEI

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY COPENHAGEN

AMEMBASSY BONN

AMEMBASSY ROME

AMEMBASSY BRUSSELS

AMEMBASSY THE HAGUE

AMEMBASSY DUBLIN

AMCONSUL HONG KONG

USMISSION GENEVA

USDEL MTN GENEVA

USMISSION EC BRUSSELS

USMISSION OECD PARIS

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E.O. 11652: N/A

TAGS: ETRD, JA, TW, EC, HK, KS

SUBJECT: ESCAPE CLAUSE PROCEEDING ON STAINLESS STEEL FLAT-WARE (SSF) - SUMMARY OF OPINIONS OF MEMBERSHIP OF UNITED STATES INTERNATIONAL TRADE COMMISSION (USITC)

REF: STATE 51435

1.
FOLLOWING IS TEXT OF THE DETERMINATIONS, FINDINGS AND RECOMMENDATIONS OF THE USITC RELEASED TO THE PUBLIC MARCH 2 (THE FULL TEXT OF THE REPORT IS NOT YET AVAILABLE FOR DISTRIBUTION TO THE MISSION). BEGIN TEXT:

ON THE BASIS OF ITS INVESTIGATION, THE COMMISSION DETERMINES (COMMISSIONER MINCHEW DISSENTING) THAT KNIVES, FORKS, AND SPOONS, ALL THE FOREGOING NOT OVER 10.2 INCHES IN OVERALL LENGTH, WITH STAINLESS STEEL HANDLES OR WITH SUCH HANDLES PLATED, INLAID, OVERLAID, OR OTHERWISE DECORATED OR EMBELLISHED WITH OTHER BASE METALS, PLASTICS, OR OTHER MATERIALS (EXCEPT PRECIOUS METALS), OF THE TYPES PROVIDED FOR IN ITEMS 650.08, 650.09, 650.10, 650.12, 650.38, 650.39, 650.40, 650.42, 650.54, AND 650.55, AND, IF INCLUDED IN SETS, 651.75 OF THE TARIFF SCHEDULES OF THE UNITED STATES, ARE BEING IMPORTED INTO THE UNITED STATES IN SUCH INCREASED QUANTITIES AS TO BE A SUBSTANTIAL CAUSE

OF SERIOUS INJURY, OR THREAT THEREOF, (SEE NOTE 1) TO THE DOMESTIC INDUSTRY PRODUCING AN ARTICLE LIKE OR DIRECTLY COMPETITIVE WITH THE IMPORTED ARTICLE.

THE COMMISSION DETERMINES (COMMISSIONER LEONARD DISSENTING) THAT KNIVES, FORKS, AND SPOONS, ALL THE FOREGOING NOT OVER 10.2 INCHES IN OVERALL LENGTH, WITH STAINLESS STEEL HANDLES OR WITH SUCH HANDLES PLATED, INLAID, OVERLAID, OR OTHERWISE DECORATED OR EMBELLISHED WITH OTHER BASE METALS, PLASTICS, OR OTHER MATERIALS (EXCEPT PRECIOUS METALS), OF THE TYPES PROVIDED FOR IN ITEMS 650.21, 650.49, AND 650.56 OF THE TARIFF SCHEDULES OF THE UNITED STATES, ARE NOT BEING IMPORTED INTO THE UNITED STATES IN SUCH IN-UNCLASSIFIED

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CREASED QUANTITIES AS TO BE A SUBSTANTIAL CAUSE OF SERIOUS INJURY, OR THREAT THEREOF, TO THE DOMESTIC INDUSTRY PRODUCING AN ARTICLE LIKE OR DIRECTLY COMPETITIVE WITH THE IMPORTED ARTICLE.

FINDINGS AND RECOMMENDATIONS OF COMMISSIONERS MOORE, BEDELL, AND PARKER

WE FIND AND RECOMMEND THAT, TO PREVENT OR REMEDY THE INJURY DESCRIBED IN SECTION 201(B) OF THE TRADE ACT, IT IS NECESSARY TO IMPOSE A TARIFF-RATE QUOTA SYSTEM FOR THE ENSUING 5-YEAR PERIOD APPLYING TO THE KNIVES, FORKS, AND SPOONS THE SUBJECT OF OUR AFFIRMATIVE DETERMINATION, WITH THE EXISTING RATES OF DUTY APPLYING TO IMPORTS OF KNIVES, FORKS, AND SPOONS WITHIN THE TARIFF QUOTAS, AND RATES OF DUTY HEREIN SPECIFIED APPLYING TO SUCH IMPORTS OUTSIDE THE TARIFF QUOTAS, AND WITH THE TARIFF QUOTAS ESTABLISHED AND ALLOCATED TO COUNTRIES SUBJECT TO RATES OF DUTY PROVIDED FOR IN RATE OF DUTY COLUMN NUMBERED 1 OF THE TSUS AS HEREINAFTER SPECIFIED.

THE PROPOSED TARIFF-RATE QUOTA RATES OF DUTY ARE AS FOLLOWS:

KNIVES AND FORKS

UNDER 25 CENTS EACH: WITHIN QUOTA OUTSIDE QUOTA

ITEMS 650.08, 650.38 1 CENT EACH 1 CENT EACH

.... 12.5 55

ITEMS 650.10, 650.40 1 CENT EACH 1 CENT EACH

.... 17.5 55

25 CENTS AND OVER EACH:

ITEMS 650.09, 650.39 0.5 CENTS EACH 0.5 CENTS EACH

.... 6 35

ITEMS 650.12, 650.42 0.5 CENTS EACH 0.5 CENTS EACH

.... 8.5 35

SPOONS

UNDER 25 CENTS EACH:

ITEM 650.54 17 55

25 CENTS AND OVER EACH:

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ITEM 650.55 8.5 35

THE WITHIN-QUOTA IMPORTS ENTERED IN ANY CALENDAR QUARTER SHOULD BE ESTABLISHED AND ALLOCATED AS FOLLOWS:

----- AGGREGATE QUOTA BY
COUNTRY CALENDAR QUARTER
----- (SINGLE UNITS,

JAPAN	34,980,000	
REPUBLIC OF CHINA	6,678,000	
REPUBLIC OF KOREA	5,088,000	
HONGKONG	1,590,000	
EUROPEAN ECONOMIC COMMUNITY		1,590,000
UNITED KINGDOM	636,000	

OTHER	954,000
- TOTAL	51,516,000

FINDINGS AND RECOMMENDATIONS OF COMMISSIONERS LEONARD AND MINCHEW

COMMISSIONERS LEONARD AND MINCHEW DETERMINE, PURSUANT TO SECTION 201(D)(1) OF THE TRADE ACT, THAT ADJUSTMENT ASSISTANCE AS PROVIDED FOR IN TITLE II, CHAPTERS 2,3, AND 4 OF THAT ACT CAN EFFECTIVELY REMEDY THE SERIOUS INJURY TO THE DOMESTIC INDUSTRY AND RECOMMEND THE PROVISION OF SUCH ASSISTANCE.

FINDINGS AND RECOMMENDATIONS OF COMMISSIONER ABLONDI

COMMISSIONER ABLONDI FINDS AND RECOMMENDS THAT IT IS

NECESSARY TO CONTINUE THE EXISTING TARIFF RATE QUOTA SYSTEM FOR THE ENSUING 5-YEAR PERIOD APPLYING TO THE KNIVES, FORKS, AND SPOONS THE SUBJECT OF THIS AFFIRMATIVE DETERMINATION, WITH THE EXISTING RATES OF DUTY APPLYING TO IMPORTS OF KNIVES, FORKS, AND SPOONS WITHIN THE QUOTAS AND WITH RATES OF DUTY HEREIN SPECIFIED APPLYING TO SUCH IMPORTS OUTSIDE THE QUOTAS, AND WITH THE QUOTAS ESTABLISHED SUBJECT TO THE EXISTING RATES OF DUTY PROVIDED FOR IN RATE-UNCLASSIFIED

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OF-DUTY COLUMN 1 OF THE TSUS.

IMPORTS ENTERED WITHIN THE SPECIFIED QUOTAS SHOULD BE ENTERED ON A FIRST-COME BASIS WITHOUT REGARD TO THE COUNTRY ORIGIN, WITH NO MORE THAN 25 PERCENT OF ANY 1 YEAR'S QUOTA TO ENTER IN ANY CALENDAR QUARTER.

ALL IMPORTS OUTSIDE THE SPECIFIED QUOTAS QUANTITIES SHOULD BE ASSESSED WITH RATES OF DUTY AS FOLLOWS (EXACTLY AS IS DONE NOW):

KNIVES AND FORKS (ITEMS 650.08, 650.09, 650.10, 650.12, 650.38, 650.39, 650.40, AND 650.42)-----2 CENTS EACH
45 AD VAL.
SPOONS (ITEMS 650.54 AND 650.55)-----40 AD VAL. END TEXT.

NOTE 1 - COMMISSIONER LEONARD DETERMINES THAT THERE IS SERIOUS INJURY TO THE DOMESTIC INDUSTRY; THEREFORE, HE MAKES NO DETERMINATION WITH RESPECT TO THE THREAT OF SERIOUS INJURY.

2. COPY OF USITC REPORT WILL BE AIR POUCHED ASAP. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
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Copy: SINGLE
Draft Date: 04 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
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Margaret P. Grafeld
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04 MAY 2006

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To: TOKYO
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